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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/928,347 | 08/14/2001 | Florian Pestoni | ARC920010018US1 | 6681 |
| 26381 | 7590 | 11/28/2005 | | |
| LACASSE & ASSOCIATES, LLC 1725 DUKE STREET SUITE 650 ALEXANDRIA, VA 22314 | | | EXAMINER CHANKONG, DOHM | |
| | | | ART UNIT 2152 | PAPER NUMBER |

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental
Advisory Action
After the Filing of an Appeal Brief

Application No. .

09/928,347

Examiner

Dohm Chankong

Applicant(s)

PESTONI ET AL.

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 09 November 2005 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).


b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☐ Other: _____


BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER

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EXAMINER'S AMENDMENT

1> An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2> Authorization for this examiner's amendment was given in a telephone interview with Jaclyn A. Schade on 11.9.2005.

3> Per a telephone conversation on 11.9.2005, the following proposed amendments will be entered for purposes of appeal. The proposed amendments only address minor typographical errors and do not affect the subject matter or scope of the claims or prior rejections. Claims 1, 9, 22 are amended:

Claim 1 (currently amended) : A method of optimizing bandwidth allocation based on selective filing, distribution of content and allocation of users to said distributed content, one or more steps of said method performed over a network, said method comprising:

dynamically allocating said bandwidth to a plurality of communication channels ,
each of said channels retaining one or more instances of content;

recursively receiving user preferences of content information from multiple users,
said preferences comprising one or more of: selection requests for specific content,
evaluations of existing content, and evaluations of potential content;

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dynamically retaining within a selected channel a collection of specific instances of content based on an a collation of said preferences, said collection placed on an allocated communication channel over a period of time; and

dynamically allocating user access to said channels based on a best match with said preferences.

Claim 9 (currently amended) : A method of optimizing bandwidth allocation based on selective filtering, distribution of content and allocation of users to said distributed content, as per claim 1, wherein said step of allocating user access to one or more dynamically allocated communication channels comprises dynamically providing said access based on a match of a specific user's collaborative preferences with that of the collaborative preferences of the said one or more dynamically allocated communication channels channel.

Claim 22 (currently amended) : An e-commerce system for collaborative content programming with electronic access to user modified channels of content, said ~~model~~ system comprising:

a collection of individual content selections, said collection retained within computer storage and accessible across computer networks;

computer software, said software tracking and aggregating both individual user's requests based on specific content selections and evaluations of specific selections from said collection,

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said aggregated requests and evaluations retained locally or remotely in associated computer storage;

one or more channels, said channels dynamically collecting specific content based on said aggregated requests and evaluations, said computer software assigning users to a best matching channel, said channels accessible remotely by said users across said networks, and revenue collection based on any of: subscription fees, per content fee, advertising, and content purchase options.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:00 AM to 5:00 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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